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TAGS: [KCFE](#) [NATO](#) [OSCE](#) [PARM](#) [PREL](#)
SUBJECT: CFE: HLTF MAY 26-28 AWAY DAY: ALLIES DISCUSS
RUSSIA'S AIDE MEMOIRE AND PREP FOR BERLIN

REF: STATE 53816 HLTF: GUIDANCE FOR MAY 26-28 AWAY DAY

Classified By: Johnathan Beckett, VCI/CCA Acting Office
Director, for reasons 1.4 (b) and (d).

11. (C) Summary. At the May 26-28 HLTF Away Day at the NATO School in Oberammergau, Allies reviewed the current situation regarding CFE; discussed Russia's Aide Memoire on the Parallel Actions Package; and agreed on general themes and an approach for the June 10 German-hosted meeting on the future of conventional arms control. Key insights and conclusions stemming from the two-day event included:

-- Russia's Aide Memoire: Allies agreed that there is little new in Russia's non-paper on the Parallel Actions Package, but considered it helpful that Russia had provided the substance of its positions in writing and indicated willingness to intensify efforts to find a solution. Allies emphasized their own commitment to the Parallel Actions Package as a vehicle for ending the CFE impasse and identified areas in Russia's non-paper that needed clarification or merited further exploration in the U.S.-Russia bilateral channel, and possible expanded discussion format involving a number of Allies. The Turks blasted Russia's insistence on abolition of the flank regime for Russia; this was the core of the regime for Turkey and its elimination would make ratification of Adapted CFE by Turkey impossible. Turkey was willing to consider increases to the limits to accommodate any Russian security concerns.

-- Berlin Preps: Many allies expressed on the margins concern that the June 10 seminar could have the effect of undermining efforts to preserve the CFE regime. Some feared a repeat of the exchange of maximalist positions they recalled from the Bad Saarow and Paris seminars in 2007; others suggested that the wide net of attendees would distract from the core CFE issue. The Turks made clear privately that they might not attend the meeting at all (due to Germany's decision to invite a wide net of Europeans that might one day accede to CFE, including Cyprus). Allies papered over differences, agreeing nonetheless that Allies should seek to ensure that the June 10 meeting contribute to current processes on CFE and helps build a positive dynamic, but should not be a decision meeting. All agreed that Alliance unity is paramount, that comments by NATO Allies should key off of and be bounded by Alliance positions expressed in, e.g., the Strasbourg-Kehl declaration, and that it will be useful to avoid backing Russia into a corner. End Summary.

12. (SBU) HLTF Head of Delegation Acting Deputy Assistant Secretary Richard A. Davis led the U.S. delegation which was comprised of State/EUR/RPM Laurendeau, DOD/OSD Perenyi, State/USOSCE Neighbour, State/VCI/CCA Lt Col Ducceschi and State/CFE Expert Starkey.

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Contacts and Bilaterals: Russia Reaches Out; Moldova Clarifies
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13. (C) Russia: A number of Allies (Turkey, UK, Estonia, Norway, France, Latvia, Bulgaria, Spain, Romania) reported on contacts by Russian Embassy reps in capitals seeking feedback on the Russian aide memoire and intended representation at and expected outcome of the Berlin seminar. Russia also explored with some (Turkey, UK, France) interest in meeting bilaterally on the margins of Berlin; those approached were receptive but noncommittal. None entered into substantive discussion of the aide memoire and all reported sticking to the NATO line on the Parallel Actions Package.

-- In its exchange with Russia, Turkey stressed there was not much new in the Aide Memoire and expressed firm opposition to the idea of abolishing the flank limits for Russia (a point Turkey frequently repeated to Allies throughout the Away Day).

-- Estonia noted this was the first contact by the Russian Ambassador on CFE in 5 years. Additionally, Estonia noted that Russia had again refused to extend the 1998 bilateral Russia-Estonia CSBM on additional verification and data exchange. Russia's rationale was that it was minimally effective and lacked military significance, while noting, paradoxically, the Estonians thought, that a CSBM developed in the context of the NRC concerning the armed forces of Russia and NATO would be far more relevant.

14. (C) Moldova: The Czech Republic, NATO IS, UK and U.S. reported on contacts by Moldovan representatives regarding their position on the Russian PKF in Moldova. Regarding the 2 1 Joint Declaration of March 18, Moldova informed the Czech Republic that this was purely a political statement for domestic purposes during the election and stressed to the UK Moldova's continued attachment to host nation consent. Contacts with the NATO IS and U.S. focused on the Russian aide memoire which includes a proposal to reaffirm the 1992 Russia-Moldova Peace Agreement. Moldova clarified that its position on the full withdrawal of Russian forces remains firm, and that it does not regard the 1992 cease fire agreement as constituting host nation consent to the presence of the Russian PKF: Moldova continues to support civilianization of the peacekeeping forces under a new mandate (such as OSCE).

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U.S.-Russia Bilat; Plans for Expanded Small-Group Meeting
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15. (SBU) The U.S. reported on the upcoming June 3 bilateral meeting per reftel and floated the idea (proposed conceptually by Turkey and others at recent HLTF meetings) of a small self-selected group of 7-9 Allies meeting with the U.S. and Russia on June 9, just prior to the June 10 Berlin meeting, to augment the ongoing U.S.-Russia bilateral track. The U.S. assured that this meeting would be followed by a debrief to all Allies. Reception of this "concrete idea" was positive. During discussion, it became evident that the self-selecting process (despite helpful calls from the IS Chair for exercising self-restraint) might result in too large a group. This would detract from the possibility of a productive meeting. On the margins, several Allies offered to remain out of the group if the U.S. was able to keep the numbers low, so this potential problem appears to be manageable.

-- Portugal in plenary (and others on the margins - Hungary, Canada and Czech Republic) indicated a willingness to opt out if the group was kept below a threshold of about 10. Some (Turkey, Romania, Czech Republic, Hungary) were supportive of the idea of a small-group and the increased efficacy if numbers were low, but expressed timing concerns. This emerged as an acute problem for the Turks, who had reservations about attending the Berlin meeting for reasons unrelated to CFE.

-- Germany was supportive of an Allied meeting with Russia (as a small group or in force). However, following the Away Day, as host of the Berlin meeting, they opted to set up an open-ended June 9 meeting to which all Allies would be invited. In the end, the U.S. agreed to the German plan, and the small-group meeting will be coordinated and planned for a later date, hosted by the U.S. as an adjunct to the U.S.-Russia bilateral process.

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Russia's Aide Memoire: Allied Actions for Russian Promises?
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¶6. (SBU) Overall Reaction: There was consensus among Allies that there is little new in Russia's non-paper, but most who spoke also acknowledged that Russia's agreement to work with the Parallel Actions Plan was positive, while the submission in writing of its positions would be helpful as a basis for further discussion. Only a few gave general (rather than issue-specific) comments on the Aide Memoire. Those who spoke broadly (Turkey, Romania, Norway, Italy, Luxembourg) stressed that Russia had laid out maximalist "preconditions" which would result in an "adapted, adapted CFE Treaty" prior to ratification, and said they considered that a non-starter. The parallel actions package - which Allies continued to characterize as the "only show in town" - should be a vehicle to get to the adapted Treaty and not an end that changes the Treaty itself.

¶7. (SBU) Germany remarked that the core issue regarding the package was resolving what is "parallel" and what is "consecutive" (essentially taking up the RF "actions for promises" banner.) Germany noted that Russia wants to negotiate a clear document that addresses all of its concerns, but recognized the resulting "serious revision of A/CFE" would present ratification difficulties for many. Germany suggested consideration of political commitments to overcome the major, substantive stumbling blocks (the flank, implementation, Georgia and Moldova) but did not provide any specific ideas beyond the articulated Alliance position.

¶8. (SBU) In a lengthy discussion, Allies reviewed the Russian Aide Memoire point-by-point to identify areas requiring clarification, possible negotiating room, and definitive red lines:

-- Points 1 and 2 - Ratification of the Agreement on Adaptation and Provisional Application: Addressing these points together, many noted these were largely procedural matters. There might be some flexibility on ratification timelines but only after resolving the key substantive issues. Discussion of provisional application as Russia has currently posed the idea (automatic after 6 months) was confused by CFE experience: the original CFE Treaty was provisionally applied in its entirety after it had been ratified by nearly all States Parties (including all NATO Allies). Allies did not exclude flexibility consistent with the basics - for the U.S. and many others, ratification must precede provisional application. For Turkey, flexibility on both ratification timelines and provisional application was possible as long as the flank was not at issue. Turkey was clear: Russia would have to drop the demand to eliminate the flank regime for Russia. Others agreed there may be room for flexibility noting that Allied steps toward ratification and some means of provisional application could serve as tools that would provide negotiating space.

- Romania cautioned that political conditions were not sufficiently ripe for moving forward on ratification and some (Canada, Czech Republic, Hungary) stressed that Russia was attempting to front-load the process by calling for provisional application of A/CFE by Allies, while only offering in return to address Russia's continued failure to implement CFE through the possible consideration of implementing selected, reciprocal, bilateral measures rather than the entire treaty. A key issue that emerged out of this discussion was the need for clarification of Russia's

proposed "goodwill gesture" regarding implementation: would Russia implement CFE or A/CFE, and would this include the "sub-ceilings" (that is, the flank limits)?

- The UK suggested that an alternative to provisional application might be the possibility of a "trial implementation" phase with a set end date, noting this approach could provide negotiating space and also assist those who can not provisionally apply prior to ratification. The UK said this should not be on offer with Russia, but rather an internal discussion; Germany was keener to explore the idea further with Russia. Canada expressed concern that some seemed willing to "trade" provisional application for any form of Russian implementation of a Treaty that Russia should already be implementing.

- During the discussion, Germany registered its position that "completing the ratification process" does include depositing instruments as Russia argues; no other Ally spoke to this specific issue, but that is not NATO's previous position.

- Point 3 - Abolish Flank Regime for Russia: Reinforcing that this is one of the core substantive issues, Turkey, Norway, Italy and Czech Republic said unambiguously that abolishing the flank regime for Russia is an unacceptable pre-condition for an agreement. Russia's concerns are strictly political, not security-based; this should be an aspect of future review of the Treaty (point 7) following entry into force of A/CFE. Several suggested Allies ask Russia to clarify and justify its new argument that the flank limits obstruct the fight against terrorism. The Dutch commented acidly: "if Russia could overrun a country (Georgia) without significantly exceeding the Adapted Treaty flank limit, wouldn't it be reasonable to suppose that the limit would allow sufficient forces for countering some terrorism?" Allies urged that Russia explain also why the flank regime should remain for others, especially for the new non-CFE NATO members, when they accede, if it does not remain for Russia.

- Germany noted that Russia's position on the flank was not understandable, but unhelpfully went on to minimize the significance of the flank as incorporated in the Adapted Treaty. Germany suggested asking Russia for more specifics on its proposed Confidence and Security Building Measures to explore the possibility of any negotiating room and to better assess the impact on Alliance security. This prompted Norway and others to stress the importance of the flank in Adapted CFE, and the qualitative difference between A/CFE legally-binding commitments as opposed to mere political commitments.

- Point 4 - Equipment Reductions for NATO States Parties: There was general agreement that Russia needed to further clarify the language in this point: A number of Allies agreed that the language suggested Russia had moved toward the NATO idea of considering lower national equipment ceilings rather than insisting on a collective ceiling for NATO and noted that the actual holdings of many Allies (and other CFE States Parties including Russia) are far below national ceilings. This could present space for negotiation, but reductions must be on a national, voluntary basis and focus on ceilings, not actual holdings. (The UK, for example, underscored that it has many forces currently outside the CFE Area of Application that would return into the AOA "when peace breaks out.") Several Allies - led this time by France and The Netherlands, with support from Germany - noted that a collective ceiling in any form runs counter to the Adapted Treaty and would not be acceptable.

- Point 5 - Conditions for Accession: Estonia, Slovenia and Latvia expressed concern at the implication that their terms of accession would be part of the package and that any forum to which they do not belong would approve decisions impacting their security. (Germany unsuccessfully tried to "allay" these fears by explaining how simple the process was and repeating its support for the consideration of regional measures.) On Albania and Croatia, the IS reported that on

May 25 FM Lavrov sent to the NATO SYG "the standard letter for new NATO members" that noted Albania and Croatia should take steps to adhere to A/CFE once its viability was restored and, in the meantime, should comply with its objectives and goals. Albania noted accession was under consideration and offered to get back to Allies, while Croatia remained silent.

-- Point 6 - Definition of "Substantial Combat Forces" All Allies who spoke averred that defining "substantial combat forces" as it is used in the NATO-Russia Founding Act is a NATO-Russia issue that is not/not appropriate for discussion in other formats. Germany, seconded by Italy, said it might be useful to remind Russia that this political commitment was made in a context where CFE was considered a pillar of European security, and was being implemented by all, including the flank regime, and might not apply when those conditions did not exist.

-- Point 7 - Future Review: There was considerable openness to the idea of sketching elements for future review, as long as Allies proceeded with caution on wording - too much detail would complicate ratification.

-- Point 8 - Moldova: While there was extensive discussion of Moldova and Georgia issues generally (see separate tics, following point 9, below), the Moldova-specific discussion was brief and the message was clear: inclusion of the 1992 RF-Moldova Peacekeeping Agreement as part of the Parallel Actions Package (as suggested by Russia's Aide Memoire) is not appropriate, and Moldovan agreement on how to treat Moldova issues will be essential. Several delegations, including the U.S., noted recent Moldovan demarches indicating that the Moldovan government continued to favor full Russian withdrawal of its forces, reflecting an apparent Moldovan assessment that Voronin's joint statement with Medvedev and Smirnov had gone too far. Romania (echoed by Canada) noted Russia's proposal was limited to the PKF and did not address the munitions at Kolbasna, or the guards.

-- Point 9) Georgia and Regional Transparency-related Issues: Germany advocated a pragmatic approach that would contribute to stability and security in Georgia in arms control terms, on the lines of the ideas advanced by the U.S. to the Russian Federation in December, which Germany described as a regional arms control regime for the northern Caucasus. Turkey expressed serious concern about the notion of a regional regime as part of the Parallel Actions Package since it is not part of the NATO position (the Turkish rep indicated on the margins that he feared Germany intended a regional regime to be used as justification for abandoning the flank). Allies agreed that it would be useful to elicit details from the Russians regarding their specific ideas on transparency for the "transcaucasus."

-- Broader Considerations on Moldova and Georgia: Allied comments on the Istanbul commitments and CFE were at times discursive, at times very tough. Several Allies (e.g., Germany, Spain) - who stressed there was no intent to abandon the outstanding Istanbul commitments - suggested the need to redefine or reframe the Istanbul commitments in the post-Georgia context. Germany also reminded Allies that CFE could not solve all the problems in the Russia-Georgia relationship, but could only address some aspects, as the December proposals had attempted to do. Apart from Turkey's misgivings about regional transparency regimes for the flank, no Ally disputed this point. But the Germans ran into implacable opposition by asserting that CFE was not the right tool for addressing host nation consent, which it characterized as a firm principle of international law better suited for the International Court or UNSC.

-- Norway said there was no dodging the Istanbul commitments: no matter how we labeled them, those issues would not go away, and they would affect ratification. The UK slammed the notion of "redefining" the Istanbul commitments: there could be no redefining the basic principle of host-nation consent, and in the Parallel Actions Package NATO had already gone a

long distance to recharacterizing what was required by Istanbul. The UK recalled that NATO countries had not been able to agree on a definition of the remaining Istanbul commitments two years earlier and cautioned that a renewed attempt would risk breaking Alliance unity without achieving anything material, since Moldova and Georgia's concerns still had to be sufficiently satisfied for them to ratify the Adapted CFE Treaty in any case. Allies needed to "recalibrate the message without trying to re-define the commitments;" we needed an approach with which Moldova and Georgia were comfortable. The U.S. noted that Russia had so far not reacted positively to the December proposals on Georgia. Acknowledging that Allies held a range of views on the Istanbul commitments and CFE, it was nevertheless important for ratification of A/CFE in the U.S. that these issues be addressed to the satisfaction of Georgia and Moldova. Italy noted that Russia's hint of possible transparency measures could indicate a willingness to exhibit flexibility, while agreeing with the U.S. that ultimately a viable solution would need the consent of Moldova and Georgia. Italy opined that Russia's position as it stands is not something the Alliance can deliver.

-- Point 10 - Mechanism for Approving Package: Only Slovenia spoke to this point, stressing serious concerns about any mechanism that entailed a forum in which non-CFE NATO members were not represented (the Russian Aide Memoire proposed a CFE Extraordinary Conference as an approval mechanism.)

-- Point 11 - Russian Implementation of CFE: Another brief discussion (Turkey, Czech Republic, Germany, Hungary and Luxembourg), but clear message: If this limited "gesture of good will" is the most Russia can offer in terms of returning to implementation - especially when combined with a demand to abolish the flank - we are "wasting time." This must be conveyed to Russia in no uncertain terms. Germany and Hungary noted it was unclear how Russia's implementation proposal meshed with its provisional application idea, with Germany stressing that the key issue for resolving the impasse was how to get Russia to return to implementation.

-- Point 12 - Intensified Efforts to Resolve CFE Impasse: Allies welcomed Russia's willingness to intensify efforts but also agreed that any effort to disaggregate the package - e.g., by assigning specific projects to the JCG for discussion - would complicate resolution, enable Russia to pocket gains, and potentially derail the whole process entirely. The U.S.-Russia bilateral track (with the possibility of augmenting it with an expanded group discussion) must maintain primacy. The focus should be agreement on the complete package.

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Calibrating the NATO message for Berlin:
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19. (SBU) Discussion of the upcoming meeting in Berlin on the Future of Conventional Arms Control in Europe centered on the need for common themes and a common approach to ensure a productive and positive dynamic, and to avoid a repeat of the confrontational tone that developed in previous large-format meetings in Paris and Bad Saarow. Allies agreed that unity was paramount. The IS Chair emphasized that para 57 of the April NATO Summit Declaration (on which "the ink is not even dry") spells out the Alliance position as agreed by all 28 Heads of State/Government. There was universal agreement that the Strasbourg-Kehl declaration and other agreed NATO documents should be the basis for and set the boundaries of Allies' comments. Some Allies (e.g., Turkey, Romania, U.S., Italy, UK) expressed continued concern about the open-ended second part of Germany's annotated agenda, which calls for a discussion on "Challenges and Options for the Future." There appeared to be a consensus not to broach topics (such as new technology, specifically UAVs) for which there is not an agreed Alliance position, but rather to engage in discussion on broader levels. Allies want to avoid backing Russia into a corner ("no Russia bashing") and avoid any surprises by maintaining Alliance cohesion. Canada summed it up: "we

can't prevent surprises from the Russians, but there shouldn't be any from our own side of the table."

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Quad Airs Concerns about Germany's Draft Chairman's Statement
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¶10. (SBU) On the margins of the Away Day meetings, quad Allies met briefly to discuss general plans for the June 10 meeting in Berlin and to review Germany's draft "chairman's statement" which had only been distributed within the quad. UK concerns about the statement mirrored those of the U.S. (per reftel); Germany was receptive to inputs for modifying language on most points. On the issue of discussing "progress in technology and military capabilities," Germany stressed) in the quad meeting and the next day in plenary - that this item was not/not meant to focus on new weapon systems, but rather on new force structure and integrated warfare enabling smaller rapid reaction forces, which could have a regionally destabilizing effect. Germany sought to dispel concerns by assuring Allies that this would not be an issue if no one took the floor.

¶11. (C) Comment: Both in the quad and in plenary, Germany had a unique spin in explaining the genesis and goals of the Berlin meeting. German rep Biontino noted that when the meeting was announced in December 2008, movement on CFE was at a "standstill." Germany felt the need to give impetus to a "new process" on the broader future of arms control, and felt that such a new process would need to be all-inclusive (thereby explaining the broader guest list.) The U.S., UK, and French delegations all commented afterward on the contradiction in the German explanation of Berlin's genesis: in December German HLTF rep Biontino had asserted the Berlin meeting was intended to promote progress on CFE, not/not establish another regime or new negotiation. He had disputed concerns that the Berlin meeting would give the Russians an excuse to abandon negotiations on the Parallel Actions Package. In the plenary session in Oberammergau, Biontino became agitated when Allies reiterated previously expressed concerns about its concept paper for the meeting, asserting that Germany had been fully transparent in developing its plans, had taken earlier stated Allied concerns into account, and wished that Allies had raised these concerns before this late date. The Turkish representative was plainly infuriated (and on the margins, depressed). Many Allies at one point or another during the two-day meeting approached members of the U.S. delegation to express concerns about German intentions for Berlin; Biontino's commentary reinforced the validity of Allies' oft-expressed suspicions that Germany had intended to use Berlin to launch a poorly conceived, politically motivated (by FM Steinmeier) new process all along. End Comment.

¶12. (SBU) NEXT MEETINGS. Allies agreed that the HLTF should meet next on July 9, following the June 10 German-hosted seminar on "The Future of Conventional Arms Control," the Corfu Ministerial, and the U.S.-Russia Summit.
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